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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
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Plaintiff,)
v.)
PAWEL SZKUTNIK,)
Defendant.)

Offenses Charged:

Count 1: Theft of United States Property, in violation of 18 U.S.C. § 641.

Count 2: Felon in Possession, in violation of 18 U.S.C. § 922(g)(1).

Date of Detention Hearing:

On May 26, 2006, the defendant made his initial appearance. At that time, the defendant was charged only on the first count. United States Magistrate Judge James P. Donohue released defendant on an appearance bond which included restrictions that the defendant not commit any federal, state, or local crimes while he was on release, and further, that he not use, consume, or possess a controlled substance, unless the substance was prescribed to him by a physician, that he submit to drug and alcohol testing, and that he comply with drug testing.

01 On June 21, 2006, the United States filed an Information against the defendant,
02 adding Count 2. On June 26, 2006, Pretrial Services filed a Petition for Warrant for
03 Defendant Under Pretrial Services Supervision, alleging that the defendant had violated the
04 terms and conditions of his bond as follows:

05 1. Pawel Szkutnik has violated the standard bond condition that he not commit a
06 federal, state, or local crime during his period of release by allegedly committing the crimes
07 of Assault 4th degree (domestic violence) and Reckless Endangerment (domestic violence)
08 on or about June 23, 2006, in Issaquah, Washington.

09 Prior to this time, the defendant admitted using both alcohol and marijuana
10 since being on bond, for which the defendant was referred for substance-abuse evaluation.
11 The Honorable Monica J. Benton issued a warrant for the arrest of the defendant on June 26,
12 2006. He made his initial hearing on the alleged bond violations on June 27, 2006, and was
13 ordered detained pending a detention hearing before the undersigned Magistrate Judge on
14 June 28, 2006. On June 28, 2006, Pretrial Services filed a Report of Supplemental
15 Violations, alleging the defendant violated the following terms and conditions of his bond.

16 2. Pawel Szkutnik has violated the special bond condition that he comply with
17 the electronic-monitoring program under the direction of Pretrial Services by deviating from
18 his approved schedule on or about June 23, 2006.

19 3. Pawel Szkutnik has violated the special bond condition that he submit to drug
20 and alcohol testing, to include urinalysis, breathalyzer, or hand-held devices, as directed by
21 Pretrial Services, by failing to provide a sample for urinalysis testing on June 23, 2006.

22 At the hearing on June 28, 2006, denials were entered and this matter was set for an
23 evidentiary hearing on the alleged bond violations for July 7, 2006, at 10:00 a.m. The Court
24 then conducted a detention hearing to determine if the previously issued bond should be
25 revoked.

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01 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
02 based upon the factual findings and statement of reasons for detention hereafter set forth
03 finds as follows:

04 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

05 (1) On May 26, 2006, defendant was released on bond with pretrial supervision
06 and special conditions. At that time, he was advised that if he violated the conditions of his
07 bond, the bond would likely be revoked.

08 (2) The defendant previously admitted consuming alcohol and using marijuana in
09 violation of the terms of the bond.

10 (3) The defendant has serious and on-going substance-abuse problems.

11 (4) By way of government proffer, some of which is included in the Information
12 filed June 21, 2006, the defendant was stopped with a loaded Smith and Wesson 9 mm pistol
13 in his car.

14 (5) There appear to be no conditions or combination of conditions other than
15 detention that will reasonably address the danger to other persons or the community.

16 **IT IS THEREFORE ORDERED:**

17 (1) Defendant shall be detained pending trial and committed to the custody of the
18 Attorney General for confinement in a correction facility separate, to the
19 extent practicable, from persons awaiting or serving sentences or being held in
20 custody pending appeal;

21 (2) Defendant shall be afforded reasonable opportunity for private consultation
22 with counsel;

23 (3) On order of a court of the United States or on request of an attorney for the
24 government, the person in charge of the corrections facility in which
25 defendant is confined shall deliver the defendant to a United States Marshal
26 for the purpose of an appearance in connection with a court proceeding; and

01 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United
03 States Pretrial Services Officer.

04 DATED this 28th day of June, 2006.

James P. Donohue

05 JAMES P. DONOHUE
06 United States Magistrate Judge

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